UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS EL PASO DIVISION

IN RE:	§	
	§	
5401 MONTOYA DR. EL PASO TEXAS,	§	CASE NO. 21-30067- HCM
LLC,	§	Chapter 11, Subch. V
DEBTOR	§	•

NOTICE OF SECURITY INTERST IN RENTS, REVENUES, AND PROCEEDS ARISING FROM REAL PROPERTY PURSUANT TO 11 U.S.C. § 552(b)(2) CONSTITUTING CASH COLLATERAL PURSUANT TO 11 U.S.C. § 363(a), AND OBJECTION TO USE OF CASH COLLATERAL

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

EL PASO NATIONAL MORTGAGE, LLC, (hereinafter "EPNM") and files this Notice of Security Interest in Rents and Revenues Arising from Real Property Pursuant to 11 U.S.C. § 552(b)(2) Constituting Cash Collateral Pursuant to 11 U.S.C. § 363(a) and Objection to Use of Cash Collateral, and for cause would show this honorable Court as follows:

- 1. At the time of the filing of Debtor's petition, EPNM was the owner and holder of a secured promissory note executed by Debtor, 5401 Montoya Dr. El Paso Texas LLC, a Texas limited liability company ("Borrower"), and made payable EPNM (the "Note").
- 2. The Note is secured by a Deed of Trust lien (the "Deed of Trust") which covers the following Real Property (the "Property") and an Assignment of Rents:
 - Lot 24, Block 2, CLOVERDALE SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 7, Page 39, Plat Records of El Paso County, Texas (commonly known as 5401 Montoya Drive, El Paso, Texas).
- 3. The loan documents grant to EPNM, as holder of the Note, a security interest in rents and proceeds of the Property. The rents, revenues, and proceeds of the Property are EPNM's cash collateral.

4. EPNM has not consented to the use of its cash collateral, nor has the Court approved the use of EPNM's cash collateral. EPNM respectfully demands that the Debtor and the Borrower (1) cease any use of all such cash collateral, (2) not commingle such cash collateral with other funds and segregate said cash collateral into separate bank accounts, and (3) provide an accounting of all cash collateral received from the Property since the filing of the Debtor's petition in this case.

Respectfully submitted,
SCOTTHULSE
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By: /s/Robert R. Feuille

ROBERT R. FEUILLE State Bar No. 06949100

CERTIFICATE OF SERVICE

I do hereby certify that on this the 5^{th} day of February, 2021, a true and correct copy of the foregoing instrument was served by electronic mail to the parties listed below, and 5401 Montoya Ave., El Paso, Texas 79932, and the persons and entities identified in the attached matrix, as well as:

Timothy V. Daniel Timothy V. Daniel, P.C. 603 Mississippi Ave. El Paso, Texas 79902 Brad W. Odell Mullin Hoard & Brown, LLP 1500 Broadway, Suite 700 Lubbock, Texas 79401

/s/Robert R. Feuille

ROBERT R. FEUILLE

Label Matrix for local noticing 0542-3 Case 21-30067-hcm Western District of Texas El Paso Fri Feb 5 18:06:03 CST 2021

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United States Trustee - EP12 U.S. Trustee's Office 615 E. Houston, Suite 533 P.O. Box 1539 San Antonio, TX 78295-1539

Timothy V. Daniel Timothy V. Daniel, P.C. 603 Mississippi Ave. El Paso, TX 79902-2415

5401 Montoya Dr. El Paso Texas, LLC 5401 Montoya Dr El Paso, TX 79932-2410

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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)5401 Montoya Dr. El Paso Texas, LLC 5401 Montoya Dr El Paso, TX 79932-2410

End of Label Matrix Mailable recipients 12 Bypassed recipients Total 13